

Notice of Allowability

Application No.

10/605,628

Examiner

Mary C. Jacob

Applicant(s)

LIU ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment, Filed 5/29/07.

2. ☒ The allowed claim(s) is/are 1-9, 11-28, 30-37.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08).

Paper No./Mail Date 01/26/04

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

DETAILED ACTION

1. The response filed 5/29/07 has been received and considered. Claims 1-9, 11-28, 30-37 have been presented for examination.

Information Disclosure Statement

2. The examiner acknowledges the receipt of a May 1999 date for the reference to Terrovitis.

Specification

3. The objections to the specification recited in the Office Action dated 3/26/07 have been withdrawn in response to the amendments to the specification filed 5/29/07.

Claim Rejections - 35 USC § 112

4. The rejections of Claims 14-18, 19, 33-37 under 35 USC 112, second paragraph, have been withdrawn in response to the amendments filed 5/29/07.

Claim Rejections - 35 USC § 103

5. The rejections of Claims 1-9, 11-28, 30-37 under 35 USC 103 (a) recited in the Office Action dated 3/26/07 have been withdrawn in response to the amendments to the claims and the remarks, filed 5/29/07.

Allowable Subject Matter

6. Claims 1-9, 11-28, 30-37 are allowed.

Response to Arguments

7. Applicant's arguments, see page 13, paragraph 3, filed 5/29/07, with respect to neither Lassesen or Benabe et al describing "a plurality of intermodulation products comprising a plurality of sum intermodulation products and a plurality of difference intermodulation products and a variable assigned to identify the intermodulation products stored in each of the plurality of output files as a sum intermodulation product or a difference intermodulation product" have been fully considered and are persuasive. The rejection of Claims 1-9, 11-28, 30-37 under 35 USC 103 (a) have been withdrawn as recited above.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary C. Jacob whose telephone number is 571-272-6249. The examiner can normally be reached on M-F 7AM-5PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary C. Jacob
Examiner
AU2123

MCJ
6/9/07


ZOILA CABRERA
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

8/11/07